

In the High Court of Judicature at Madras

Dated: 16.02.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.3480 of 2014

K.Srinivasan

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Petitioner

vs.

1.The State of Tamil Nadu,
rep.by the Director General of Police,
Kamaraj Salai, Mylapore,
Chennai-04

2.The Inspector of Police,
D-5, Marina Police Station,
Triplicane,
Chennai-600 004

3.K.Adinarayana Reddy

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Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the first and 2nd respondents to produce the body of the petitioner's son K.S.Manoj Kumar, aged about 17 years, and set him at liberty.

For Petitioner

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Mr.C.K.Chandrasekhar

For Respondents

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Mr.A.N.Thambidurai, Addl.P.P.
for R1 and R2

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O R D E R

(The order of the Court was made by M.JAICHANDREN., J)

This habeas corpus petition has been filed by the father of the detenu, namely, K.S.Manojkumar, aged about 17

years, praying that this Court may be pleased to direct respondents 1 and 2 to produce the detenu before this Court and set him at liberty.

2. The petitioner has stated that the detenu, along with his friends, had gone to Marina Beach, on 22.8.2014, to celebrate the birth day of his classmate. At about 4.00 p.m. on the said date, the petitioner had received an information that his son had gone missing, while he had gone to the beach and therefore he had approached the second respondent police. Accordingly, the petitioner had met one S.Ramakrishnan, Inspector of Police, D5 Marina Police Station, Triplicane. Based on the complaint made by the petitioner, First Information Report No.1748 of 2014 had been registered on 22.08.2014, as a boy-missing case. However, as no effective steps had been taken by the second respondent police, a further representation had been made, by the petitioner, to the Commissioner of Police, on 20.09.2014. He had also submitted representations to the other authorities, including the Director General of Police and the Additional Director General of Police, Coastal Security. Since the detenu had not been traced, the petitioner had preferred the present habeas corpus petition before this Court.

3. From the records available, we find that two status reports have been filed by the police officers concerned. Various statements have been made, in the said status reports, describing the steps which have been taken to trace the detenu. It is noted that, on 16.10.2015, an order had been passed by this Court, directing the First Class Executive Magistrate concerned to conduct an enquiry and to submit a report before this Court. Pursuant to the said order, a report dated 9.2.2016, had been filed by the Executive Magistrate and Tahsildar, Mylapore, Chennai. From the said report, it is noted that certain steps had been taken to trace the detenu, enquiry had also been made with relevant persons and bank account of the petitioner had also been checked. However, we are not fully satisfied with the investigation being done by the second respondent police to trace the detenu.

4. In such circumstances, taking into consideration the concern expressed by the petitioner, the father of the missing boy, we find it appropriate to transfer the investigation to the Assistant Commissioner of Police, Triplicane, Chennai, who shall investigate the matter and take necessary steps to trace the detenu, in accordance with law.

5. As no further orders are necessary, the present habeas corpus petition stands closed, with the above direction.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Director General of Police,
Kamaraj Salai, Mylapore,
Chennai-04

2.The Inspector of Police,
D-5, Marina Police Station,
Triplicane,
Chennai-600 004

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.K.Chandrasekar, Advocate, S.R.No.9758

H.C.P.No.3480 of 2014

gj (CO)
srg (17/02/2016)

सत्यमेव जयते

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